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DT02 Rec'd PCT/PTO 26 JAN 2005

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091762283

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/762,283

PATENT

Filing Date: 06/02/2000

Attorney Docket No. 100700-09144 [HERR
18.313]

Inventor(s): Gomariz, Rosa Perez

Group Art Unit:

Examiner Name: Alvarado, Winston M.

Title: Method of Treating
Endotoxic Shock and
Inflammatory and
Autoimmune
Diseases in Mammals...

January 26, 2005

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Office of PCT Legal Administration

RENEWED PETITION UNDER 37 CFR 1.137(b) & STATEMENT UNDER CFR 1.821

I. Introductory Comments

Applicants petition to revive filed 05 October 2004 was dismissed by Decision on Petition dated November 26, 2004 in that the computer readable form filed 05 October 2004 was found to be non-compliant. A corrected diskette is enclosed herewith along with a copy of the original petition and a statement under CFR 1.821.

Any fee due with this paper may be
Charged to Deposit Account No. 50-1290

Filed by Express Mail
Receipt No. 2V47969822045
on Jan-26-05
pursuant to 37 C.F.R. 1.10.
By Patricia Muir
Patricia Muir

Rec'd PCT/PTO 26 JAN 2005

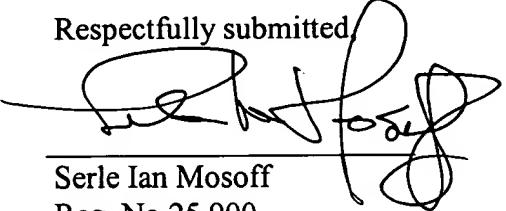
09/762283

II. Statement

The Sequence Listing content of the paper and the computer readable copy are the same.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted



Serle Ian Mosoff
Reg. No.25,900

CUSTOMER NUMBER 026304

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Docket No.: 100700-09144 [Herr 18.313]



PTO/SB/64 (11-03)

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) HERR 18.313
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First named inventor: ROSA PEREZ GOMARIZ

Art Unit:

Application No.: 09/762,283

Examiner: Alvarado, Winston M.

Filed: 06/02/2000

Title: Method for Treating Endotoxic Shock and Inflammatory and Autoimmune Diseases in Mammals

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee –required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

 Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ 1330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Sequence Listing (identify type of reply): has been filed previously on _____
 is enclosed herewith.

B. The issue fee of \$ _____

 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

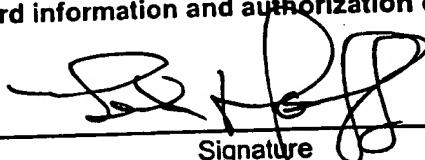
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

July 1, 2004

Date



Signature

Telephone Number: 212-940-8717

Serle Mosoff

Typed or printed name

KMZ Rosenman

Address

575 Madison, N.Y., N.Y. 10022

Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Sequence Listing (Hard Copy and machine readable; 37 CFR 1.8(a))

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

Date

Signature

Type or printed name of person signing certificate

26 NOV 2004



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www.uspto.gov

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NOV 30 2005

In re Application of
GOMARIZ
Application No.: 09/762,283
PCT No.: PCT/ES00/00197
Int. Filing Date: 02 June 2000
Priority Date: 04 June 1999
Atty. Docket No.: 100700-009144 [HERR18.313]
For: **METHOD OF TREATING ENDOTOXIC SHOCK
AND INFLAMMATORY AND AUTOIMMUNE
DISEASES IN MAMMALS**

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 October 2004 in the above-captioned application is hereby **DISMISSED** as follows:

As detailed in the decision mailed 05 August 2004, a petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant previously satisfied items (2) - (4) above.

However, with regard to item (1), the proper response was the required sequence listing pursuant to 37 CFR 1.821-1.825. The computer readable form filed 05 October 2004 was found to be non-compliant and a corrected diskette is needed. (See attached copy of CRF Problem Report.) Accordingly, the proper reply has not been furnished.

For the reasons stated above, the petition for revival cannot be granted at this time and the application remains abandoned.

CONCLUSION

Applicant's petition under 37 CFR 1.137(b) is **DISMISSED**.

This application remains abandoned as to the United States of America.

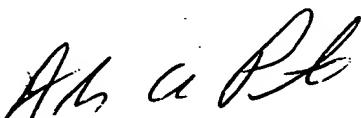
If reconsideration on the merits of this petition is desired, a proper response must be filed

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within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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Atch: Raw Sequence Listing Error Report